

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of FANTISHYA HOLMES,
DOMIQUE NASHAY HOLMES, ROOSEVELT
DEONTYE' HOLMES, ADRIAN DARNELL
HOLMES, and BREONNAH DESIREE
HOLMES, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

PRISCILLA HOLMES,

Respondent-Appellant.

UNPUBLISHED

December 22, 2005

No. 263344

Oakland Circuit Court

Family Division

LC No. 2002-673505-NA

Before: Owens, P.J., and Saad and Fort Hood, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court order terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(i) and (g). We affirm.

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The principal conditions that led to adjudication were respondent's criminality and substance abuse issues. During the pendency of this case, respondent completed two drug rehabilitation programs. However, respondent was arrested and convicted of a theft offense and a drug possession offense after her children were adjudicated. Respondent also did not complete her parent agency agreement because she was unable to obtain suitable housing.

Further, the evidence did not show that termination of respondent's parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). The evidence indicated that, after two years, respondent had not fully complied with the parent agency agreement and, in fact, was incarcerated when the court delivered its decision on whether termination of her parental rights was clearly not in her children's best interest. The trial court did not err in terminating respondent's parental rights to the children.

Affirmed.

/s/ Donald S. Owens

/s/ Henry William Saad

/s/ Karen M. Fort Hood